

Remarks/Arguments

The Rejection of Claims 2, 4-6, 8, 11, and 16-21 Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 2, 4-6, 8, 11, and 16-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,018,415 (*Woo*) in view of Leitz Service “Ergolux B 0 1-Ersatzteilliste” (the *Leitz Service Manual*). Applicants respectfully traverse this rejection and request reconsideration for the following reasons.

Applicants courteously submit that the device taught by *Woo* does not include a releasable attachment means arranged to attach a rod to a slide mount and **to operatively position said rod on the left or right side of the upper stage**, as recited in Applicants’ amended Claim 2. More specifically, *Woo* teaches X-Y table **40** having “[a] joystick **43** ... fixed to the stage ... of the X-Y table **40** of the present invention.” (*Woo*, Col. 5, lines 6 through 7; Figs. 4 and 6). Contrarily, Applicants teach “a microscope stage assembly comprising: an upper stage having left and right sides; a slide mount; a rod; and, a releasable attachment means, wherein said releasable attachment means is arranged to attach said rod to said slide mount and to operatively position said rod on the left or right side of said upper stage.” (Applicants’ Claim 2). In short, Applicants’ amended Claim 2 recites a releasable attachment means arranged to attach a rod to a slide mount for either left or right handed users of a microscope that includes a present invention stage assembly.

Traditionally, configuring a microscope for left or right handed use occurs at the factory during assembly of the microscope and/or stage. Separate sets of parts are required for both versions, *i.e.*, stage parts including features for securing stage controls on either the left or right side but not both sides. Hence, during assembly, a left or right handed stage is assembled and subsequently attached to a microscope body. An end user of such a microscope can not modify the microscope for users desiring to use the opposite hand. Contrarily, the instant invention microscope stage assembly may be configured in the factory for a particular hand, left or right, and end users of the instant invention may modify this arrangement if their desire to use the opposite hand.

Applicants respectfully assert that the fixed joystick of *Woo* is wholly inadequate to be operatively positioned on the left and right side of X-Y table 40, as only a single position for joystick 43 is shown and described in *Woo*, i.e., a right handed position, and furthermore, X-axis moving plate 42 does not include any feature capable of permitting the arrangement of joystick 43 in any position other than a right handed position. As such, *Woo* fails to teach a device having a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage, as recited in Applicants' amended Claim 2.

Similarly, the *Leitz Service Manual* fails to teach a device having a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage, as recited in Applicants' amended Claim 2. More specifically, the *Leitz Service Manual* discloses upper part 44 having handle 25 secured thereto. (See Figures). As is best shown in the exploded view figure, upper part 44 includes an extended portion on its right side (when viewed from the perspective of a user of the microscope), while the left side of upper part 44 does not include a similar extended portion. Therefore, in short, the stage assembly taught in the *Leitz Service Manual* is only configurable for right handed users. Contrarily, as stated *supra*, the instant invention stage assembly recited in Applicants' amended Claim 2 includes a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage. Thus, Applicants respectfully assert that the handle of the *Leitz Service Manual* is wholly inadequate to be operatively positioned on the left and right side of upper part 44, as only a single position for handle 25 is shown and described in the *Leitz Service Manual*, i.e., a right handed position, and furthermore, upper part 44 does not include any feature capable of permitting the arrangement of handle 25 in any position other than a right handed position. As such, the *Leitz Service Manual* fails to cure the defect of *Woo*, i.e., it does not teach a device having a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage, as recited in Applicants' amended Claim 2.

In order to establish a *prima facie* case of obviousness, the references alone or in combination must teach or suggest all the limitations of Applicant's claimed invention. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Thus, as independent Claim 2 contains at least one element that is not disclosed in the cited references, *i.e.*, a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage, it generally follows that Claim 2 is patentable over *Woo* in view of the *Leitz Service Manual*. Dependent Claims 4-6, 8, 11, 18 and 19 contain all of the limitations of independent Claim 2, due to their dependency therefrom. Therefore, since Claim 2 is patentable over *Woo* in view of the *Leitz Service Manual*, due to the missing element, it necessarily follows that Claims 4-6, 8, 11, 18 and 19 are also patentable over *Woo* in view of the *Leitz Service Manual*, due to their dependency from Claim 2.

As described *supra*, *Woo* teaches an X-Y table having a joystick fixed to the right side of the stage of the X-Y table. Thus, it generally follows that *Woo* does not teach a stage movement means having a releasable attachment means arranged to releasably attach a shaft to a slide mount glide wherein the shaft is attachable to the slide mount glide to operatively position the shaft on the left or right side of the upper stage, as recited in Applicants' amended Claim 16. As such, it is impossible to configure the *Woo* device for left and right handed users. In short, *Woo* fails to teach all of the elements recited in Applicants' amended Claim 16, as the *Woo* device is not capable of left and right handed configurations. In like fashion, as described *supra*, the *Leitz Service Manual* does not cure the defect of *Woo*, *i.e.*, it does not teach the elements recited in Applicants' amended Claim 16.

Hence, as independent Claim 16 contains elements that are not disclosed in the cited references, it follows that Claim 16 is also patentable over *Woo* in view of the *Leitz Service Manual*. Dependent Claim 20 contains all of the limitations of independent Claim 16, due to its dependency therefrom. Thus, as Claim 16 is non-obvious in view of *Woo*, and further in view of the *Leitz Service Manual*, due to the missing element, it necessarily follows that Claim 20 is also non-obvious in view of *Woo*, and further in view of the *Leitz Service Manual*, due to its dependency from Claim 16.

In view of the foregoing, it also generally follows that *Woo* fails to teach a stage movement device comprising a joystick detachably secured directly to a slide mount glide, and the joystick is attachable to the slide mount glide to operatively position the joystick on the left or right side of the upper stage, as recited in Applicants' amended Claim 17. As described above, it is impossible to configure the *Woo* device for left and right handed users. In short, *Woo* fails to teach all of the elements recited in Applicants' amended Claim 17, as the *Woo* device is not capable of left and right handed configurations. In like fashion, as described *supra*, the *Leitz Service Manual* does not cure the defect of *Woo*, i.e., it does not teach the elements recited in Applicants' amended Claim 17.

Hence, as independent Claim 17 contains elements that are not disclosed in the cited references, it follows that Claim 17 is also patentable over *Woo* in view of the *Leitz Service Manual*. Dependent Claim 21 contains all of the limitations of independent Claim 17, due to its dependency therefrom. Thus, as Claim 17 is non-obvious in view of *Woo*, and further in view of the *Leitz Service Manual*, due to the missing element, it necessarily follows that Claim 21 is also non-obvious in view of *Woo*, and further in view of the *Leitz Service Manual*, due to its dependency from Claim 17.

Accordingly, withdrawal of the rejections of Claims 2, 4-6, 8, 11 and 16-21 under 35 U.S.C. § 103(a) is appropriate and respectfully requested.

The Rejection of Claims 3, 9 and 10 Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 3, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Woo* in view of the *Leitz Service Manual* as applied to Claim 2 further in view of U.S. Patent No. 6,049,420 (*Kraft*). Applicants respectfully traverse this rejection for the reasons stated above and the following reasons.

As described *supra*, *Woo* and the *Leitz Service Manual* fail to teach all the elements of Applicants' amended Claim 2. Furthermore, *Kraft* does not cure the defects of *Woo* and the *Leitz Service Manual* regarding the elements of Claim 2 that are not taught or disclosed by these references, *i.e.*, a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage.

Hence, as independent Claim 2 contains elements that are not disclosed in the cited references, it follows that Claim 2 is also patentable over *Woo* in view of the *Leitz Service Manual* and further in view of *Kraft*. Dependent Claims 3, 9 and 10 contain all of the limitations of independent Claim 2, due to their dependency therefrom. Thus, as Claim 2 is non-obvious in view of *Woo* and the *Leitz Service Manual*, and further in view of *Kraft* due to the missing element, it necessarily follows that Claims 3, 9 and 10 are also non-obvious in view of *Woo* and the *Leitz Service Manual*, and further in view of *Kraft*, due to their dependency from Claim 2. Applicants request reconsideration and withdrawal of the rejection of Claims 3, 9 and 10.

The Rejection of Claims 7 and 12-14 Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 7 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over *Woo* in view of the *Leitz Service Manual* as applied to Claim 2 further in view of U.S. Patent Application Publication No. 2003/0169492 (*Nishida et al.*). Applicants respectfully traverse this rejection for the reasons stated above and the following reasons.

Again as described *supra*, *Woo* and the *Leitz Service Manual* fail to teach all the elements of Applicants' amended Claim 2. Furthermore, *Nishida et al.* do not cure the defects of *Woo* and the *Leitz Service Manual* regarding the elements of Claim 2 that are not taught or disclosed by these references, *i.e.*, a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage.

Hence, as independent Claim 2 contains elements that are not disclosed in the cited references, it follows that Claim 2 is also patentable over *Woo* in view of the *Leitz Service Manual* and further in view of *Nishida et al.*. Dependent Claims 7 and 12-14 contain all of the limitations of independent Claim 2, due to their dependency therefrom. Thus, as Claim 2 is non-

obvious in view of *Woo* and the *Leitz Service Manual*, and further in view of *Nishida et al.* due to the missing element, it necessarily follows that Claims 7 and 12-14 are also non-obvious in view of *Woo* and the *Leitz Service Manual*, and further in view of *Nishida et al.*, due to their dependency from Claim 2. Applicants request reconsideration and withdrawal of the rejection of Claims 7 and 12-14.

The Rejection of Claim 15 under 35 U.S.C. § 103(a)

The Examiner rejected Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over *Woo* in view of the *Leitz Service Manual* as applied to Claim 2 further in view of U.S. Patent No. 5,907,157 (*Yoshioka et al.*). Applicants respectfully traverse this rejection for the reasons stated above and the following reasons.

Once again as described *supra*, *Woo* and the *Leitz Service Manual* fail to teach all the elements of Applicants' amended Claim 2. Furthermore, *Yoshioka et al.* do not cure the defects of *Woo* and the *Leitz Service Manual* regarding the elements of Claim 2 that are not taught or disclosed by these references, *i.e.*, a releasable attachment means arranged to attach a rod to a slide mount and to operatively position said rod on the left or right side of the upper stage.

Hence, as independent Claim 2 contains elements that are not disclosed in the cited references, it follows that Claim 2 is also patentable over *Woo* in view of the *Leitz Service Manual* and further in view of *Yoshioka et al.*. Dependent Claim 15 contains all of the limitations of independent Claim 2, due to its dependency therefrom. Thus, as Claim 2 is non-obvious in view of *Woo* and the *Leitz Service Manual*, and further in view of *Yoshioka et al.* due to the missing element, it necessarily follows that Claim 15 is also non-obvious in view of *Woo* and the *Leitz Service Manual*, and further in view of *Yoshioka et al.*, due to its dependency from Claim 2. Applicants request reconsideration and withdrawal of the rejection of Claim 15.

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Conclusion

Applicants respectfully submit that the present application is in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned agent of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. C. Atkinson', followed by a long horizontal line extending to the right.

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